

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, AS FUND
MANAGER OF THE NEW ENGLAND
TEAMSTERS AND TRUCKING
INDUSTRY PENSION FUND

v.

PYTKO CONSTRUCTION CORP.

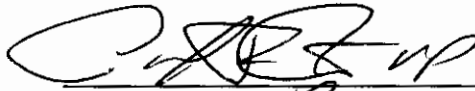
C.A. No. 04cv12001NMG

AFFIDAVIT OF PAUL F. PYTKO

Paul F. Pytko, being duly sworn upon oath deposes and says as follows:

1. I am a co-owner and project manager for Pytko Construction Corp. ("Pytko"), I oversee the payment of contributions to organizations such as the plaintiff and have personal knowledge of the facts stated herein.
2. Pytko Construction Corp. has entered into a settlement agreement with the Plaintiff in the above matter. I signed the settlement agreement on Pytko's behalf. A true and accurate copy of the agreement is attached hereto as Exhibit "A".
3. My office prepared two checks dated July 15, 2005 made payable to Plaintiff. One check, Check No. 44421, was the first installment payment for Plaintiff's late charges, attorney's fees and costs in the amount of \$135.33. The second check, Check No. 44420, was for Pytko contributions for the months of January, February, March, April and May 2005. A true and accurate copy of Check No. 44421 is attached hereto as Exhibit "B" and Check No. 44420 is attached hereto as Exhibit "C".

4. I was informed by my attorney that the Plaintiff did not receive either check. My office called our bank, Citizens Bank, to determine the status of both checks. According to Citizens, the plaintiff has deposited both checks. Those checks posted to Pytko's account on August 1, 2005. A true and accurate of the, "DDA statement inquiry" that Citizens forwarded to Pytko at Pytko's request is attached hereto as Exhibit "D".



Paul F. Pytko
Pytko Construction Corp.

Subscribed and sworn to before me in NORTH SMITHFIELD,
Rhode Island, this 4th day of August, 2005.



Notary Public

My Commission Expires: 9-13-07